

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harbaugh

Application No.: 09/826,690

Examiner: Smith, Traci

Date Filed: April 5, 2001

Group: 3629

For: METHOD FOR ADMITTING AN ADMISSIONS APPLICANT INTO AN  
ACADEMIC INSTITUTIONAFFIDAVIT OF JEAN C. GASKILL

I, Jean C. Gaskill, being duly sworn, hereby declare:

1. I hold a B.A. in International Relations from the University of Southern California and a J.D. from the University of San Francisco School of Law.

2. Since 1972 I have been a member of the Board of Reappraisers for the California Committee of Bar Examiners. I have served as the Chair of the Board of Reappraisers since 1996. The Board of Reappraisers is responsible for, among other things, the grading of the semi-annual California General Bar Exam. The grading process includes establishing and implementing grading criteria and training, supervising, and calibrating 12 to 15 graders per question on essay question and performance test items.

3. From 1987 until 2004, I was a member of the National Conference of Bar Examiners' Multistate Essay Examination (MEE) Drafting committee. This group is responsible for, among other things, establishing grading guidelines for the semi-annual administration of the seven-question MEE, which is used by approximately a dozen bar examining jurisdictions. During this time, I was the leader of the semi-annual grading workshops convened after each test administration where graders from jurisdictions using the MEE were trained and calibrated.

4. At various times since 1993, I have consulted with Virginia, Ohio, Texas, Delaware, Alabama, and Hawaii on the development of grading methodologies, including calibrated grading, for questions used on their bar examinations.

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5. I have substantial expertise in the field of grading methodologies used to consistently and reliably grade exams, including essay exams, given to large numbers of test takers. I authored the attached article, which describes a methodology for calibrated grading. See Gaskill, J.C., *A Model for Grading Bar Examination Essay Questions*, The Bar Examiner (Feb 1996).

6. Calibrated grading is a well known term of art among individuals who participate in the administration and grading of examinations, such as essay exams, that require more than one grader to subjectively assess a large number of exams. As used in this sense, "calibration" is the process graders go through in order that different graders will use consistent standards when evaluating exams. In particular, a successful calibrated grading process will calibrate the graders so that each grader would give a particular exam approximately the same ranking or score. Calibration also insures that a single grader would give a particular exam answer the same rating or score if that grader were asked to grade multiple answers to the same exam question.

7. Calibrated grading is generally used to achieve one of two results. The first is an absolute calibration where a numerical score is assigned to each exam being evaluated. An example would be a grading scale where the correct answer is broken down into multiple issues and each issue is assigned a specific number of potential points. The test taker earns points by addressing issues deemed important by the test writer and by thoroughly and correctly addressing the issue. In this type of calibration, an exam answer should be assigned the same numerical score regardless of which grader evaluates the exam answer and regardless of how other test takers perform on the same exam question. Once scores are assigned for all of the exam answers, it is possible to place each of the individual test takers within the appropriate percentiles.

8. The second result is where the scores are force ranked relative to one another. In this process, as each answer is graded it is ranked against all of the other answers that have been graded. Using this approach, the end result will be a ranking of the test takers relative to one another. Once the ranking is completed for all of the exams, it is possible to place each of the individual test takers within appropriate percentiles.

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9. In a typical absolute calibration process, the graders are given a model answer and a grading guideline for each question they will be grading. A calibrator will then review the question, a model answer, and a grading guideline with the entire group of graders. Once the graders become familiar with the question and the model answer, each grader is given a copy of an essay answer to grade according to the grading guideline. The graders then reveal the scores that each has assigned to the answer. The calibrator facilitates a discussion with the graders where each grader reveals the grade they assigned and the reasoning behind the assigned grade. Where there are differences between the graders, the calibrator works with the group to find a uniform approach. In a typical calibration process, each grader is asked to grade the same group of 10 to 20 different answers and compare the grade they assign for each answer with the grades assigned by the other graders. After following this process, the grade the graders assign to each answer typically converges on a single score. For a more detailed discussion of this process, see the attached article titled, *A Model for Grading Bar Examination Essay Questions*.

10. I have no financial interest in the Harbaugh patent application (Application No. 09/826,690) or any related applications. I am not being paid for my services pertaining to the subject matter of this declaration.


  
Jean C. Gaskill

State of California

County of Alameda

I HEREBY CERTIFY that in this day, before me, an officer duly authorized to administer oaths, personally appeared Jean C. Gaskill, who                      is personally known to me or ~~C. D. he~~ has produced a driver's license as identification, was duly sworn to tell the truth, and having done so, says that the foregoing statements are true and correct.

IN WITNESS WHEREOF I set my signature and official seal this 19<sup>th</sup> day of August ~~July~~ 2005.

  
NOTARY PUBLIC

Murshad Bobby Khan Print Name



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